

APR 11 2002

PATENT Docket No.: 6210.N DV2 #3

DECLARATION (37 CFR § 1.63) AND POWER OF ATTORNEY

As a below-named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name, and

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **1,2,3,4,5,6-Hexahydroazepino[4,5-B]Indoles Containing Arylsulfones At The 9-Position**, Docket No. 6210.N DV2, the specification of which

- ☐ is attached hereto.
- ☒ was filed on October 30, 2001 as Application Serial No. 10/022,471.
- ☐ was filed on as PCT International Application No. and was amended under PCT Article 19 on , if applicable.

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with 37 CFR § 1.56(a).

I hereby claim the benefit under 35 USC § 119(e) of any United States provisional application(s) listed below:

Application Serial No.	Filing Date (Day/Month/Year)
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60/144,574	July 19, 1999
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I hereby claim foreign priority benefits under 35 USC § 119(a)-(d), or § 365(b), of any foreign application(s) for patent or inventor's certificate or § 365(a) of any PCT International Application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT International Application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application on which priority is claimed:

Application Serial No.	Country	Filing Date (Day/Month/Year)	Priority Claimed (Yes/No)
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I hereby claim the benefit under 35 USC §120, of any United States application(s) or PCT International Application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application(s) in the manner provided by the first paragraph of 35 USC §112, I acknowledge the duty to disclose material information as defined in 37 CFR §1.56(a), which occurred between the filing date of the prior application and the national or PCT international filing date of this application:

<u>Application Serial No.</u>	<u>Filing Date</u>	<u>Status (Patented, Pending, Abandoned)</u>
09/613,843	July 11, 2000	Pending

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

I hereby appoint

☒ the practitioners associated with Customer Number



25533

PATENT AND TRADEMARK OFFICE

☐ Carl W. Battle (Registration No. 30,731); James D. Darnley, Jr. (Registration No. 33,673); Bruce Stein (Registration No. 27,231); Thomas A. Wootton (Registration No. 35,004); Lucy X. Yang (Registration No. 40,259); Andrew M. Solomon (Registration No. 32,175); Edward F. Rehberg (Registration No. 34,703); John H. Engelmann (Registration No. 28,075); Austin W. Zhang (Registration No. 48,061); Stephen L. Nesbitt (Registration No. 28,981); Mary J. Hosley (Registration No. 48,324); Ellen Park (Registration No. 34,055); Craig M. Bell (Registration No. 31,812); Michael P. Morris (Registration No. 34,513) and Bruce A. Pokras (Registration No. 32,748); all registered to practice before the Patent and Trademark Office

as my attorneys or agents with full power of substitution and revocation to prosecute this application and all divisions and continuations thereof and to transact all business in the Patent and Trademark Office connected therewith and request that all correspondence and telephone communications be directed to the following person at the mailing address and telephone number hereafter given:


Name : Bruce Stein, Attorney

Registration No. : 27,231

Address : Pharmacia & Upjohn Company  
Global Intellectual Property  
301 Henrietta Street  
Kalamazoo, Michigan 49001

Telephone No. : (616) 833-1127 or (616) 833-9500

Telefax No. : (616) 833-8897 or (616) 833-2316

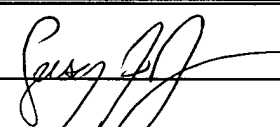
Inventor's Signature  Date 1/29/02

Full name of sole or first inventor: Eric Jon Jacobsen

Residence: Richland, Michigan 49083

Citizenship: USA

Post Office Address: 6233 Bethany Circle, Richland, Michigan 49083

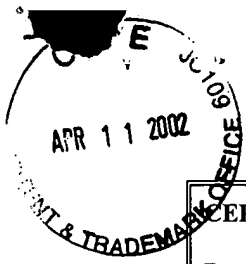
Inventor's Signature  Date 1/29/02

Full name of second joint inventor: Susan Fox Jacobsen

Residence: Richland, Michigan 49083

Citizenship: USA

Post Office Address: 6233 Bethany Circle, Richland, Michigan 49083



#3 MP/\$

## CERTIFICATE OF MAILING (37 CFR 1.8)

Date of Deposit with U.S. Postal Service: April 1, 2002

I hereby certify that this paper is being deposited with the United States Postal Service as first class mail under 37 CFR 1.8 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, DC 20231.

Julie K. Lyons, Legal Assistant  
Name of Person Mailing Paper

Julie K Lyons  
Signature

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : EJ Jacobsen, SK Hendges  
Serial Number : 10/022,471  
Filed : October 30, 2001  
For : 1,2,3,4,5,6-Hexahydroazepino[4,5-B]Indoles Containing Arylsulfones At The 9-Position

Commissioner of Patents and Trademarks  
Washington, DC 20231

TRANSMITTAL OF OATH OR DECLARATION (37 CFR 1.63)  
SUBSEQUENT TO THE FILING OF THE APPLICATION UNDER 37 CFR 1.53(f)

Sir:

Transmitted herewith in connection with the patent application identified above is:

- ☒ An oath or declaration as required by 37 CFR 1.63;  
☒ A copy of Form PTO-1533 (Notice to File Missing Parts of Application);  
☒ This paper is being filed under 37 CFR 1.8 and the required Certificate of Mailing appears above.

The fee now due in connection with this application is calculated as follows:

04/30/2002 SSALEEN	00000031 210718 10022471	Fee
01 FC:115	110.00 CH Charge for Deferral of the Submission of Oath or Declaration	\$ 130.00
	TOTAL FEES	\$ 130.00

**SPECIFIC DEPOSIT ACCOUNT AUTHORIZATION.** Please charge my Deposit Account No. 21-0718 in the amount of the total filing fee above. Triplicate copies of this sheet are enclosed.

**GENERAL DEPOSIT ACCOUNT AUTHORIZATION.** The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or during the pendency of this application or credit any overpayment to Deposit Account No. 21-0718:

- (1) Any additional filing fees or fees for the presentation of additional claims required under 37 CFR 1.16.
- (2) Any patent application processing fees under 37 CFR 1.17.

**No authorization is given to charge the Issue Fee (37 CFR 1.18).**

- ☐ Please amend the TRANSMITTAL OF APPLICATION PRIOR TO SUBMISSION OF OATH OR DECLARATION AND/OR FILING FEE, submitted with the above-captioned application, to indicate that the original first and sole inventor or original first and joint inventors are the following:

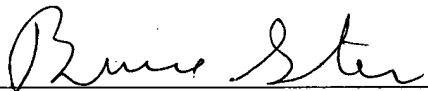
The pertinent information concerning residence, citizenship and post office address is provided in the accompanying declaration or oath.

- ☒ This paper is responsive to a Notice from the PTO dated 01/18/02 for which the period for response has expired or will expire on 03/18/02.
- ☐ The Notice of Missing Parts from the PTO has not been received.

**EXTENSION OF TIME.** In the event this paper is not filed prior to the time set for response, applicant(s) hereby petition for an extension of the period for filing the oath or declaration or paying the deferred filing fee to the date of filing this paper, and hereby authorize the Commissioner to charge the extension fee as may be required by 37 CFR 1.17, to Deposit Account No. 21-0718.

If for any reason the extension requested above is insufficient to extend this period to the date of this paper, applicant(s) hereby petition for the revival of the above-captioned application as having been unintentionally abandoned and authorize the Commissioner to charge the required fees under 37 CFR 1.17 to Deposit Account No. 21-0718.

Respectfully submitted,

  
\_\_\_\_\_  
Bruce Stein, Attorney  
Registration No. 27,231

Date: 02-3-28

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Attachments: Oath or declaration  
PTO Form 1533 (Notice of Missing Parts)  
Form 53F (in triplicate)